

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISIONS

RECEIVED
2005 NOV 16 AM 4:43
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

LATTIME CONSTRUCTION AND)
HOME BUILDING, INC.)
PLAINTIFF,) CASE NO.: 1:05cv1062-F
VS.)
THE BERRY COMPANY, et al.,)
DEFENDANTS.)

MOTION TO AMEND

COMES NOW the Plaintiff in the above-styled cause, subject to leave of the Court, and moves the Court to amend its complaint heretofore filed in this cause to conform to the Corporate Disclosure Statement of The Berry Company and the Corporate Disclosure Statement of CenturyTel in order to conform its complaint to properly name and identify the Defendants in this case. The Plaintiff submits simultaneously herewith, its entire Amended Complaint, as amended, to properly name the Defendants in this case.

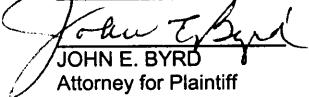
WHEREFORE, Plaintiff prays that the Court enter an order approving the amendment to Plaintiff's complaint in this case and accept the Amended Complaint as filed simultaneously herewith.

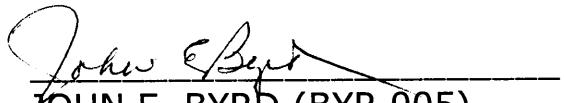
Dated this the 15 day of November, 2005.

CERTIFICATE OF SERVICE

I do hereby certify that I have served a copy of the foregoing upon the Honorable Craig A. Alexander and Honorable Michael L. Wade, Adams and Reese LLP, Attorneys at Law, 2100 3rd Avenue, Suite 1100, Birmingham, Alabama 35203 by placing a copy of same properly addressed and postage prepaid in the U.S. mail.

Dated this the 15 day of Nov., 2005.


JOHN E. BYRD
Attorney for Plaintiff


JOHN E. BYRD (BYR 005)
Attorney for Plaintiff
P.O. Box 536
Dothan, Alabama 36302
Telephone (334)794-0759
Fax (334)792-0163
